DEPARTMENT OF STATE A/CDC/MR
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Thomas T. Crumpacker, Esq.
117 South Spring Street
Aspen, Colorado 81611

Dear Mr. Crumpacker:

I refer to your letter of January 4 which was addressed to Senator Gary Hart concerning American prisoners incarcerated on drug charges in Peru. He has requested that our Bureau of International Narcotics Matters respond to your concerns.

On Sunday, December 27 nine Americans imprisoned at Lurigancho Prison in Lima began a hunger strike. Ambassador Ortiz, the Peruvian Minister of Justice and several other high-ranking Peruvian justice ministry officials met with the American prisoners on December 25 to hear their grievances. The Minister of Justice promised to review the files of all the U.S. prisoners who signed the letter and Peru's President Belaunde subsequently referred to proposed improvements in the Peruvian prison system in the course of a press conference. Current plans include upgrading varous prisons and the housing of first-time offenders (excluding narcotics offenders) at the San Jorge Prison.

The hunger strikers, however, are discouraged by the failure of the review of the cases by the Minister of Justice. Since they see no evidence that cases are being speeded up or the issue of fines and civil reparation payments being resolved, they have apparently resolved to continue their strike.

Since the onset of the hunger strike on December 27, the Embassy has attempted to schedule daily visits to Lurigancho Prison. All strikers continue to receive regular medical examinations.

Let me assure you that we are committed to helping all American prisoners in every way we can, but our consular officers cannot impose our legal, judicial, or social standards upon foreign governments. Both Embassy and Department officers have met with Peruvian officials on numerous occasions to stress our desire that their judicial system proceed at a more

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expeditious pace. We have also stressed the importance we place on fair and decent treatment for Americans in Peruvian prisons. These approaches have not only included our concern over the prisoners' personal security but also our encouragement and desire that prison facilities be upgraded. Although Peruvian officials are generally receptive to our approaches, they point out that their court dockets are crowded and that the amount of funding allocated for prison matters is limited. As a result, changes in prison conditions will be slow in coming.

The prisoner exchange treaty that you mentioned was implemented with the Republic of Peru on July 21, 1980. Under the provisions of this treaty, those American prisoners who have been sentenced and who have more than six months remaining to serve are eligible to apply for transfer to the United States to complete their sentences. Since implementation of the treaty, eight Americans have been transferred from Peru to the United States to serve their sentences.

Your letter indicated your perception that the situation for arrested Americans has deteriorated since 1978. As I am sure you know, Peru is the direct source country for about one half of the cocaine which is illegally brought into the United States. As such illicit trafficking has expanded and as drug abuse (especially the smoking of coca paste-dipped cigarettes) has increased in Peru during the last few years, Peruvian authorities have broadened the scope of enforcement activities resulting in the crowded court dockets mentioned above. Also as a consequence, the U.S. Government has attempted to strengthen our cooperation with the Government of Peru.

Under P.L. 94-329, Section 504 (c) (1) the U.S. Drug Enforcement Agency (DEA) is responsible for working closely with other nations to suppress the world trade in illicit narcotics and marijuana. In order to assist Peruvian law enforcement agencies in the disruption of major narcotics networks, the DEA thus maintains an office in our Lima Embassy. However, while DEA agents do work closely with appropriate Peruvian law enforcement agencies, their activities are not specifically targetted against Americans suspected of drug trafficking. Moreover, it is our understanding that in order to maximize the benefits of the limited human and material resources available to them, DEA agents concentrate on cases against major traffickers and are not interested in individuals found only in possession of a few grams of cocaine.

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I hope that the aforementioned information has been responsive to your inquiry.

Sincerely,

James M. Van Wert
Acting Assistant Secretary
Bureau of International Narcotics Matters

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